

Town of Frederick Town Board



Eric Doering, Mayor

Tony Carey, Mayor Pro Tem
Amy Schiers, Trustee
Sue Wedel, Trustee

Rafer Burnham, Trustee
Fred Skates, Trustee
Jim Wollack, Trustee

IM 2009- 013

To Discuss the Proposed Medical Marijuana Regulations

Agenda Date: October 12, 2010

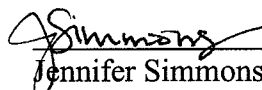
Attachments:

- a. Draft Land Use Code Regulations
- b. Draft Municipal Code Regulations

Issue/Request:

The Board of Trustees has requested that regulations pertaining to medical marijuana be drafted and in place prior to the expiration of the moratorium.

Submitted by:


Jennifer Simmons, Planning Director

Approved for Presentation:


Town Administrator

AV Use Anticipated

Projector _____ Laptop _____

Certification of Board Review:

Town Clerk

Date

Detail of Issue/Request:

The proposed medical marijuana regulations are attached. The regulations are crafted as nearly as possible to the direction provided by the Board of Trustees. The Commercial Primary Caregiver is a new designation contemplated to reduce the likelihood of being legally challenged should we have moved forward with prohibiting caregivers from having more than 5 patients as originally contemplated.

Further discussion of the regulations is anticipated during this meeting.

Legal/Political Considerations:

The recently adopted regulation of Colorado's medical marijuana program under HB 10-1284 allowed local jurisdictions to ban commercial medical marijuana operations. Primary caregiver operations were also limited to 5 patients under the bill, but the bill did allow for exceptions that may allow a caregiver to effectively become a commercial operation even if a local ban was adopted. Whether or not primary caregivers may be wholly banned in any Colorado community has yet to be decided definitely. Nevertheless, reasonable regulation that falls short of a total ban on such operations may offer a community a level of control over caregivers that will uphold the spirit of any local ban on commercial medical marijuana operations. Licensing and registration of caregivers with a local jurisdiction is not prohibited under any current Colorado code or rule.

Alternatives/Options:

The Board of Trustees may choose to direct staff to amend the proposed regulations.

Financial Considerations:

Not Applicable

Staff Recommendation:

Staff recommends moving forward with the regulations, as amended.